

Opportunities to Improve Program Delivery

Linking Planning and NEPA and Phased Programming

FLH Business Improvement Initiative
Phased Programming Team
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Introduction

In accordance with the FLH Performance Plan (2006), a Phased Programming Team was formed and chartered to do the following:

- Increase awareness within FLH and our FLMA partners of the FHWA Planning/NEPA linking initiative.
- Identify opportunities to better link Planning and NEPA within the FH, PRP, and RR programs.
- Develop an action plan to track implementation of linking activities.
- Evaluate the feasibility of a phased programming process for the FH and PRP programs.
- Provide recommendations for effectively managing programs with phased projects.
- Develop criteria for projects that warrant a phased programming process.

Team membership included the following:

Melisa Ridenour, EFL Division Engineer, Team Sponsor
Brian Allen, FLH Environment Discipline Leader, Team Leader
Bob Bini, FLH Planning Discipline Leader
Dave Brown, WFL Refuge Roads Program Coordinator
Jennifer Corwin, CFL Environmental Senior Technical Specialist
Nick Finch, EFL Environmental Compliance Engineer
Jody Marshall, WFL Environmental Senior Technical Specialist
Curt Page, CFL Forest Highway Planning and Programs Coordinator
Jeff Zaharawicz, EFL Park Roads Program Manager

This report provides background information and references on the subject matter and documents the results of the team's efforts.

Background

Linking Planning and NEPA and phased programming are separate sequential concepts. Linking Planning and NEPA is simply expanding the planning process to consider, as early as possible, NEPA factors such as purpose and need, appropriate range of alternatives, potential environmental impacts, and public and agency involvement. Phased programming is a tool to help manage delivery of projects through critical decision points in the development process. Both concepts have the potential to improve the way we manage our programs and deliver our projects, and both come with challenges. Each concept could be implemented independently, but the greatest benefit may come from implementing both.

Linking Planning and NEPA

For the past decade, FHWA has emphasized the value of linking Planning and NEPA as an opportunity to streamline delivery of projects and more readily achieve context sensitive solutions. Linking Planning and NEPA workshops have been developed and conducted around the country, a [web site](#) has been developed, and in February 2005, FHWA also released [guidance](#) on the subject including a formal [legal analysis](#).

The guidance and legal analysis essentially state that if Planning is done in a manner that is consistent with guidelines established for NEPA activities such as public involvement and due consideration of alternatives and consequences, the analyses and conclusions can be used to focus and streamline the subsequent NEPA process. Specific examples include:

- **Purpose and Need.** The “purpose and need” statement in a NEPA document is where the planning process and the NEPA process most clearly intersect. A sound planning process is the primary source of the project purpose and need.
- **Range of Alternatives.** The transportation planning process may narrow or screen the range of alternatives. Alternatives passed over during the transportation planning process because they are infeasible or because they do not satisfactorily meet the NEPA “purpose and need” can be omitted from the detailed analysis of alternatives in the NEPA analyses and documentation, so long as the rationale for omitting them is documented in the NEPA document.
- **Affected Environment and Environmental Consequences.** In most cases the assessment of environmental consequences conducted during the planning process will not be detailed enough to meet NEPA standards and thus will need to be supplemented. Nonetheless, the planning process is an opportunity to assess the level of complexity of the pending environmental compliance and can often be a source of information for the evaluation of cumulative and indirect impacts required under NEPA.

Each Division cited examples of initiating project development activities with little or no data to support the purpose and need, and in some cases projects lacked local support because they were not well aligned with existing transportation plans. As a result project delivery schedules were delayed, development costs increased, and data had to be collected to redefine purpose and need. Improving the link between Planning and NEPA will help minimize these types of problems.

Phased Programming

Environmental streamlining and collaboration workshops were conducted with our Federal partners (National Park Service, Forest Service, and Fish and Wildlife Service) in

2003, 2004, and 2005. These workshops identified the need to consider a phased programming process for high-risk or complex projects.

In a phased programming process, funding for project delivery would be approved in phases. For example, in the first phase, a new Forest Highway project would be added to the multi-year program and assigned a fiscal year for completion of preliminary engineering (30% design) and the NEPA process. The first phase would conclude when a build alternative is selected and documented in a NEPA decision. In the second phase, a project would be assigned a fiscal year for construction in the program and allocated design funds to complete the PS&E package. Similar to controls currently in place for PS&E approval prior to obligation of construction funds, a phased programming process would establish controls for the NEPA decision prior to expenditure of final design funds.

Potential advantages of a phased programming process are improved program stability, reduced project development costs, and reduced perception that build alternatives are selected before NEPA decisions are issued.

Response to Charter

The response to each task identified in the Phased Programming Team [charter](#) is provided below:

- ***Increase awareness within FLH and our FLMA partners of the FHWA Planning/NEPA linking initiative.***

Simply forming the Phased Programming Team has increased awareness and understanding of the linking Planning and NEPA initiative within FLH. The Team has reviewed the FHWA legal analysis and guidance issued in February 2005, shared the information with our immediate work groups, and met to discuss the implications and potential opportunities across the programs. The team has also coordinated with the FLH Mobility Team and CFL Project Initiation Team. Both teams are advancing improvement initiatives that will facilitate efforts to better link Planning and NEPA.

Opportunities to further increase awareness of this initiative include the following:

1. Develop and conduct joint FLH/FLMA versions of the Linking Planning and NEPA Workshop. (The course would need to be customized for each FLMA.)
2. Provide training for environmental staff on transportation planning.
3. Provide training for planning staff on NEPA.
4. Provide rotation opportunities between Planning and Environment.

Reaching out to our FLMA partners and promoting a planning process that is better linked with NEPA is an important objective. How best to accomplish this has raised questions relative to the current lack of adequate planning processes in place for the FLMAs on which to build. Until these planning process are better defined, accepted and implemented, it will be more difficult to effectively move forward on initiatives to link planning and NEPA. The FLH Mobility Team has completed work on a template that defines the planning processes that are needed, and is completing an implementation plan. This plan provides an initial opportunity to undertake steps to link planning and NEPA. In addition, work continues on activities such as the Stewardship and Oversight Agreements and implementation of management systems. All of these efforts are expected to result in improved planning processes, and as these efforts go forward there should be due consideration and emphasis on linking Planning and NEPA.

- ***Identify opportunities to link Planning and NEPA within the FH, PRP, and RR programs.***

The following information is a collection of program-specific ideas proposed for consideration. Several of the ideas were developed further and advanced to the action plan.

Forest Highway Program

- FLH should be engaged in the development of Land Management Plans. These plans are typically developed for every Forest on a 7-year cycle. FLH should work with the individual forests (or regions) to encourage a transportation-planning component that identifies the role and needs of designated and proposed Forest Highways.
- FLH should work with its partners to weight project selection criteria to heavily favor projects for which needs are specified and aligned with Forest Management Plans and/or State and local transportation plans.
- As management systems develop for Forest Highways, FLH should encourage use of the systems to select and prioritize projects.
- FLH should work with its partners to request more information on environmental resources and related conservation plans. For example, most states have developed a comprehensive wildlife conservation strategy (also known as Wildlife Action Plans) that is intended to help conserve wildlife and vital natural areas before they become too rare and costly to protect. This type of existing environmental information can help identify issues and better define scope of work for a proposed project.
- FLH Environment staff should be engaged in the review of project proposals and given time to visit with local resource specialists and/or regulatory agencies before programming decisions are made. (The Project Identification Report [PIR] process used by WFL is a good example.)

- FHWA is funding a liaison position within the Forest Service (FS) at headquarters. This liaison should be tasked to improve the link between FS planning and the FH system. Contact information is provided in the action plan.

Park Roads and Parkways Program

- FLH should be engaged in the development of General Management Plans. These plans are developed for every park on a 5-10 year cycle. FLH should work with the individual parks (or regions) to encourage a transportation-planning component that identifies the roles and needs of eligible park roads.
- FLH should encourage the selection of transportation improvement projects that are aligned with General Management Plans and/or State and local transportation plans.
- FLH should encourage due consideration of environmental issues in the project selection process.
- As management systems develop for park roads, FLH should encourage use of the systems to select and prioritize projects.

Refuge Roads Program

- FLH should be engaged in the development of Comprehensive Conservation Plans. These plans are developed for every refuge on a 5-10 year cycle. FLH should work with the individual refuges (or regions) to encourage an appropriate transportation-planning component that identifies the roles and needs of eligible refuge roads.
- FLH should encourage the selection of projects that are aligned with Comprehensive Conservation Plans and/or State and local transportation plans.
- FLH should encourage due consideration of environmental issues in the project selection process.
- As management systems develop for refuge roads, FLH should encourage use of the systems to select and prioritize projects.
- FHWA is funding a liaison position within the Fish and Wildlife Service (FWS) at headquarters. This liaison should be tasked to improve the link between Refuge planning and the Refuge Roads system. Contact information is provided in the action plan.

- ***Develop an action plan to track implementation of linking activities***

Action items to link Planning and NEPA need to be coordinated and balanced with ongoing efforts by the Mobility and Stewardship and Oversight Teams to better define the planning processes across the FLH programs and clarify roles

and responsibilities. Consequently, the following action plan does not assign a responsible party or a due date to action items that are dependent upon ongoing efforts by these other teams. After the ongoing efforts are complete, the Phased Programming Team should supplement the action plan accordingly.

ACTION PLAN - LINKING PLANNING AND NEPA			
Action Item	Responsible Party	Due Date	Status
<i>Forest Highway Program</i>			
<p>Coordinate with FHWA/FS liaison (Paul Anderson) to communicate needs, better understand role of the liaison position, and identify joint action items to improve the planning process and better link Planning and NEPA</p> <p>Paul T. Anderson USFS/FHWA Environmental Streamlining Liaison USDA Forest Service Engineering 1601 N. Kent St. RPC 5 Rosslyn, VA. 22209 Voice: (703) 605 4617 cell (503) 201 6031 E-mail ptanderson@fs.fed.us</p>	Bob Bini, Brian Allen	11/15/06	<p>The position was filled on 6/21/06.</p> <p>Scott Johnson, Cynthia Hatley, and Brian Allen met with Paul and others from the FS and FHWA on 7/18/06 to discuss general expectations of the position.</p> <p>Brian Allen visited again with Paul on 7/24/06 to discuss FLH issues in more detail.</p>
<p>Use Tri-Agency meetings to discuss transportation planning. Identify pending updates of Forest Management Plans and discuss opportunities for FLH and State DOTs to assist in the transportation-planning component of those plans.</p> <p>Also use Tri-Agency meetings to discuss potential changes to project selection criteria to emphasize alignment to transportation plans and management systems.</p>			On hold.
<i>Park Roads Program</i>			
<p>Use SMAC meetings to discuss transportation planning outcomes. Identify pending updates of General Management Plans and discuss opportunities for FLH to assist in the transportation-planning component of those plans.</p>			On hold.

<i>Refuge Roads Program</i>			
<p>Coordinate with FHWA/FWS liaison (Joseph Burns) to communicate needs, better understand role of the liaison position, and identify joint action items to improve the planning process and better link Planning and NEPA</p> <p>Joseph A. Burns National Transportation Liaison U.S. Fish and Wildlife Service Division of Habitat and Resource Conservation 4401 N. Fairfax Drive MS400 Arlington, VA. 22203 Voice: (703) 358-1712 Fax: (703) 358 1869 E-mail: Joseph_Burns@fws.gov</p>	Bob Bini, Brian Allen	11/15/06	
<p>Coordinate with FWS regional Refuge Roads Program Coordinators to identify pending updates of General Management Plans and discuss opportunities for FLH to assist in the transportation-planning component of those plans.</p>			On hold.
<i>General</i>			
<p>Develop and conduct FLH/FLMA versions of the Linking Planning and NEPA Workshop (This may be the logical evolution of the Environmental Streamlining and Stewardship Workshops conducted with the FLMAs in 2003, 2004, and 2005.)</p>			On hold.
<p>Modify IDPs for planners and environment staff to include environment training for planning staff and planning training for environment staff.</p>	Respective Branch Chiefs	3/1/07	
<p>Encourage and support rotational assignments between planning and environment. (Implement at least one rotational assignment per Division in FY 07.)</p>	Respective Branch Chiefs	9/30/07	
<p>Conduct meetings annually in each Division between planning and environment staff. Identify and pursue opportunities to improve the planning/NEPA link.</p>	Respective Branch Chiefs.	End of each FY starting in 07.	

- ***Evaluate the feasibility of a phased programming process for the FH and PRP programs.***

Staff in the three Divisions was asked to share their thoughts on a phased programming process for FH and PRP projects. In general, Project Development staff (Branch Chiefs, Project Managers, and Environmental Specialists) favor a phased or two-step programming approach, and they identified the following advantages:

- The process would help define and separate pre-NEPA design work from final design. Specifically, the NEPA decision would have to be issued and the project would have to be programmed for construction before funds would be authorized for final design. (Each Division cited examples of advancing projects well into final design before the NEPA process was completed and/or a decision was made to drop a project.)
- The process would allow for more equal consideration of alternatives, including the no-build alternative. The public involvement processes could be used to identify a preferred alternative.
- Public controversy, environmental restrictions, scope, costs, and required delivery schedule would be better understood when the project is programmed for construction after the selection of a preferred alternative. This would improve program stability.
- Improved program stability and the clear separation between pre-NEPA design and final design work would help improve budgeting, resource planning, and diminish the perceptions that build alternatives are selected before final NEPA decisions are issued.

Planning and Programming staff recommended considering the following questions, concerns, or disadvantages:

- If a project is not initially programmed for construction, how do we maintain our focus towards an on-schedule NEPA decision?
- How do we ensure that construction funds are available in a timely manner once a NEPA decision is made?
- If construction funds aren't available in a timely manner for a project completed through the NEPA decision, rework may be required.
- It may be necessary to fill out the program with back-up or shelf projects until the NEPA decision is made for a phased project. Replacing these projects with the phased project could lead to even less program stability and create negative public perception.

Forest Highway Program

With a lead role in management of the Forest Highway program, FLH is in a good position to plan, implement, and monitor the transition to a program with phased projects.

Park Roads and Parkways Program

FLH is currently working with the NPS to understand and implement SAFETEA-LU provisions that change traditional agency roles and responsibilities in project delivery. FLH is also working with the NPS to improve and document the planning process. In consideration of these two active efforts, pursuing program management changes at this time is not recommended.

Fortunately, a recent NPS/FLH collaborative effort to improve project delivery coordination has resulted in a [NEPA/Project Development template](#) and [joint NPS/FHWA memo](#) that identifies critical steps towards phased delivery of projects. These steps include:

- Development of comprehensive Project Agreements early in the process (before design funds are authorized) that commit both NPS and FLH to scope, schedule, and budget. Of particular note is the requirement to update the Project Agreement (adjust the program) after the NEPA decision is signed.
 - A systematic process at 30% design to identify what, if any, additional design information is needed to issue a NEPA decision. If additional design information is needed, only that work needed to support the NEPA decision is funded and executed.
 - A systematic process at 70% design to confirm that the NEPA decision has been issued. (Expenditure of design funds beyond 70% without a NEPA decision is not authorized.)
- ***Provide recommendations for effectively managing programs with phased projects.***

FLH is best positioned to implement a phased programming process in the Forest Highway program. Program management recommendations, or alternatives, for achieving the benefits of a phased programming process in the Forest Highway program are presented below:

- **Maintain one program that includes both phased and non-phased projects.** Phased projects would be initially programmed to reach a NEPA decision. Detailed schedules would be developed to establish appropriate durations for the NEPA process and to set target dates for signing NEPA decisions. After NEPA decisions are signed, detailed

schedules and construction estimates would be generated and used to program the project for construction. Funding balances would be maintained in the 3rd and subsequent years of the program to provide flexibility and accommodate timely construction of phased projects. Maintaining a mix in the type and size of projects in the program and using our ability to carry funds over from year to year and implement loan/borrow arrangements would also provide flexibility and help ensure that construction funds are available and available funds are used.

- **Keep the existing programming process but do a better and more formalized job of updating the program after each NEPA decision is made.** This approach is being implemented in the Park Roads and Parkways program in accordance with the recently approved NEPA/Project Delivery template mentioned previously in this report. The objective is to improve budget and schedule estimates for delivery of the selected alternative and improve stability in the short-term program.

Other alternatives for implementing a phased program were considered but dismissed because additional work was required to manage the program and there were no additional benefits. These alternatives include:

- Maintain two separate programs. The first program would be the NEPA program. It would only include phased projects approved to proceed through the NEPA process. This may be a 3 to 5-year program. The second program would be the construction program. It would include non-phased projects and those projects transferred from the NEPA program after a NEPA decision is issued. This would be a shorter 1 to 2 year program with construction balances shown in the 3rd year and beyond.
 - Maintain one program, but phased projects would have two distinct entries in the project management system. (Example: “WA PFH 64-4(2) Environmental Compliance” and “PFH 64-1(2) Construction”) In the case of the second entry, tentative project timelines would be established as a placeholder subject to adjustment following the conclusion of the first project, and appropriate revisions to the project agreement.
- ***Develop criteria for projects that warrant a phased programming process.***

In general, high risk, complex, politically and environmentally sensitive projects with a wide range of location or cost alternatives would be good candidates for phased delivery. In consideration of these factors, the preliminary NEPA classification may be the first and best criteria. Based on the preliminary NEPA

classification, the following projects should be considered for a phased programming process:

- All EIS projects.
- All EA projects with a wide range of location or cost alternatives.
- EA projects that require additional data collection to define purpose and need and range of alternatives.

The FLH Tri-Agency representative should coordinate with project delivery staff prior to programming meetings to identify projects that warrant a phased programming process.

Conclusion

FLH can streamline delivery of projects in the PRP, RR, and FH programs and more readily achieve context sensitive solutions by improving the link between Planning and NEPA. The action plan as described in the table has been generated to guide the effort, and many of these items can be implemented in the near future. Other action items should be delayed until the Mobility Team and the Stewardship and Oversight Team have completed their work.

FLH can implement a phased programming process in the Forest Highway Program. All EIS projects, and EA projects with a wide range of location or cost alternatives should be considered for a phased process. Potential advantages of a phased programming process are improved program stability in the first few years of the program, reduced project development costs, and reduced public perception that build alternatives are selected before NEPA decisions are issued. Program stability would improve for the first three years of the program as more projects are phased through a NEPA decision and then programmed for construction with much better information on scope, schedule, and budget. Project development costs can be reduced if controls are established to limit or prevent the expenditure of final design funds before a NEPA decision is issued and the phased project is programmed for construction. And finally, public perception that the NEPA process is used simply to justify the engineering solution can be better managed. Specifically, project managers can share program information and explain that a project will not be programmed for construction until a NEPA decision is issued and good estimates of scope, schedule, and budget for the selected alternative are developed.

Finally, the charter for the Phased Programming Team should be supplemented and extended through FY 2007. The team would continue to coordinate with the Mobility and Stewardship and Oversight Teams and monitor, update and report progress on the action plan for linking Planning and NEPA. The Team would also generate a PowerPoint presentation for the Divisions to explain and promote phased programming during the annual FH Tri-Agency meetings.